

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SANDRA LEA BENEDICT,

ORDER

Plaintiff,

08-cv-667-slc

v.

EAU CLAIRE AREA SCHOOL DISTRICT,
EAU CLAIRE ASSOCIATION OF EDUCATORS and
WISCONSIN EDUCATION ASSOCIATION COUNCIL,

Defendants.

Judgment was entered in this case on February 5, 2009, after I granted defendants' motions to dismiss for failure to state a claim. Now plaintiff has filed two motions: a motion to alter and amend the judgment under Fed. R. Civ. P. 59 and a "motion for due process of law."

Both of her motions are difficult to understand. In her 33-page Rule 59 motion, she appears to be complaining primarily about her dissatisfaction with cases filed in Wisconsin state court. She also makes numerous references to a "conspiracy," but she provides few facts describing the nature of that conspiracy. In any event, nothing in the motion shows that I erred in concluding that plaintiff's employment-related claims are barred under the

doctrines of claim preclusion and issue preclusion.

Plaintiff's "motion for due process" appears to be a request to file criminal charges against defendants and their "co-conspirators." However, even if I agreed with plaintiff that a crime had been committed against her, it is beyond the authority of this court to initiate a criminal prosecution. "Whether to prosecute and what charge to file or bring before a grand jury are decisions that generally rest in the prosecutor's discretion." United States v. Batchelder, 442 U.S. 114, 124 (1979).

ORDER

IT IS ORDERED that plaintiff Sandra Lea Benedict's motion to alter or amend the judgment, dkt. #22, and "motion for due process of law," dkt. #23, are DENIED.

Entered this 26th day of February, 2009.

BY THE COURT:

Barbara B. Crabb
BARBARA B. CRABB
District Judge